

ENTERED

September 16, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

LUANNA ROXANNE
LOZANO TELLO

Plaintiff,

V.

**MARTIN O'MALLEY,
COMMISSIONER OF THE
SOCIAL SECURITY
ADMINISTRATION**

Defendant.

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Civil Action No. 7:23-CV-00399

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the August 29, 2024, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Juan F. Alanis. (Dkt. No. 11). Judge Alanis made findings and conclusions and recommended that Defendant’s Cross-Motion for Summary Judgment, (Dkt. No. 9), be granted and Plaintiff’s Motion for Summary Judgment, (Dkt. No. 8), be denied. (Dkt. No. 11).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

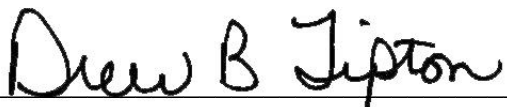
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

It is therefore ordered that:

- (1) Judge Alanis's M&R (Dkt. No. 11) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendant's Cross-Motion for Summary Judgment, (Dkt. No. 9), is **GRANTED**; and
- (3) Plaintiff's Motion for Summary Judgment, (Dkt. No. 8), is **DENIED**.

It is SO ORDERED.

Signed on September 16, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE